

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000  
FAX: (202) 393-5760  
www.skadden.com

DIRECT DIAL  
(202) 371-7392  
DIRECT FAX  
(202) 661-9192  
EMAIL ADDRESS  
JBEAHN@SKADDEN.COM

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March 23, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington D.C. 20554

RE: Notice of Ex Parte Communication, WC Docket Nos. 10-90, 14-58 and 14-259

Dear Secretary Dortch:

On March 21, 2017, the undersigned, along with Jeffrey S. Nordhaus, Executive Vice President, Innovation & Broadband, Empire State Development, met with Amy Bender, legal advisor to Commissioner Michael O'Rielly, to discuss the Commission's recent New York CAF auction Order.

During the meeting, the parties discussed a number of the conditions included in the Order. Mr. Nordhaus provided an overview of how New York intends to comply with these conditions in its broadband funding program. In particular, he outlined a number of potential auction structures New York could implement in the CAF-eligible territories to satisfy the conditions. The parties discussed whether these structures could facilitate the deployment of broadband infrastructure consistent with the goals of the CAF program. I also reviewed certain proposals regarding the rules that would govern the next phase of the State's ongoing broadband auction. Finally, we discussed the attached article regarding the New NY Broadband Program that appeared on the front page of the March 21 New York Times.

Secretary Dortch  
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This letter is being submitted electronically in the above-referenced dockets pursuant to Section 1.1206(b) of the Commission's rules. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

John M. Beahn

*Counsel to Empire State Development*

Enclosure

# The New York Times

"All the News  
That's Fit to Print"

Washington Edition

Today, mostly cloudy, a milder day, high 63. Tonight, clouds breaking, a bit colder, low 39. Tomorrow, partial sunshine, breezy, a chillier day, high 48. Weather map is on Page B14.

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TUESDAY, MARCH 21, 2017

\$2.50

and philanthropist with the fabled family name who controlled Chase Manhattan bank for more than a decade and wielded vast influence around the world for even longer as he spread the gospel of American capitalism, died on Monday morning at his home in Pocantico Hills, N.Y. He was 101.

A family spokesman, Fraser P. Seitel, confirmed the death.

Chase Manhattan had long been known as the Rockefeller bank, although the family never owned more than 5 percent of its shares. But Mr. Rockefeller was more than a steward. As chairman and chief executive throughout the 1970s, he made it "David's bank," as many called it, expanding its operations internationally.

His stature was greater than any corporate title might convey, however. His influence was felt in Washington and foreign capitals, the corridors of New York City

universities and public schools.

Mr. Rockefeller could well be the last of a less and less visible family to have cut so imposing a figure on the world stage. As a peripatetic advocate of the economic interests of the United States and of his own bank, he was a force in global financial affairs and in his country's foreign policy. He was received in foreign capitals with the honors accorded a chief of state.

He was the last surviving grandson of John D. Rockefeller, the tycoon who founded the Standard Oil Company in the 19th century and built a fortune that made him America's first billionaire and his family one of the richest and most powerful in the nation's history.

As an heir to that legacy, David Rockefeller lived all his life in baronial splendor and privilege,

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MICHAEL EVANS/THE NEW YORK TIMES

David Rockefeller, in 1972, had a vast art collection.

## Faster Internet for the Far-Flung

By NICK CORASANITI

HALCOTT, N.Y. — It's about 15 miles from here to a dairy testing facility in Roxbury, or about one hour and 20 minutes round trip if you know these dusty mountain back roads like Chris DiBenedetto, a dairy farmer. He has been going back and forth for years, ferrying a sample of fresh milk for a federally mandated drug test before he can start processing each batch.

But what stressed him the most were the valuable daylight farming hours lost to the journey, while he was stuck in his car or waiting for the results.

Now, Mr. DiBenedetto gives a sample to a driver heading that

way to do the drop-off, letting the new fiber wiring hanging over his old route do the simple document delivery for him via email.

The dairy farmer in this speck of a town about 140 miles north of New York City was one of the first beneficiaries of an ambitious initiative to extend broadband to every household in the state by 2018 — no matter how rural or far-flung the address — which would make New York the first state to reach that high-speed internet milestone.

For years, this town was like many isolated spots in New York and across the country, left sitting

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### New Leg Gets a Swim Test

A prototype of a prosthetic leg aims to allow amputees to move naturally in the water. Called the Fin, it is expected to be available in about six months.

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### Inside Ivanka Trump's Trust

Ms. Trump has put her husband's relatives in charge of her company's assets, but she retains some power.

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In a sleepy Berlin suburb, a far-right party won over 22 percent of the vote in local elections — more than any other party. The Interpreter.

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As his Senate confirmation hearing began, Neil M. Gorsuch tried to place himself above politics.

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Wildfires have swept across Kansas, Oklahoma and Texas, killing livestock and burning ranches.

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### Humble Champion of Writers

As a founder of The New York Review of Books, the editor Robert B. Silvers helped create one of the United States' premier intellectual journals, and its literary mystique. He was 87.

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### A Pillar of Postmodern Dance

The American choreographer Trisha Brown combined the cerebral and sensuous sides of dance in a way few others did. She was 80.

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### Crimes Bear Fruit, and Cake

Some home burglars, unable to resist pausing for a snack, may leave behind evidence like a half-eaten apple or used cookware. Crime Scene.

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### Super Bowl Jersey Recovered

The F.B.I. is said to have tracked a jersey belonging to New England Patriots quarterback Tom Brady to a journalist in Mexico City.

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David Leonhardt

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### Chuck Berry, Memoirist

The rock-'n'-roller and connoisseur of pleasure packed his thoughts about intimacy, music and race into his autobiography, largely written in prison and published in 1987. A review.

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# State Goal: Fast Internet, Even for the Far-Flung

From Page A1

on the shoulders of the digital highway unable to access the broadband speeds that so many businesses and households count on. But now under a state-led program, towns like Halcott, with fewer than 300 residents, are getting wired, giving residents faster access to the internet and opening new opportunities for businesses.

Two Stones Farm, a small goat farm here, has created an online store to offer more products, including artisanal cheese. "I look at it this way: It's very much like electricity was at one time," said Alan White, 54, who owns Two Stones Farm with his wife. "Electricity would have never come to our valley if it was based strictly on population. It's not a luxury. It's a necessity that we need to operate."

For those used to having broadband at their disposal, it is hard to imagine not being able to Skype for a job interview, send messages on LinkedIn or Facebook, download an eTextbook, upload a homework project or binge-watch on Netflix. But about 12.6 million American households lack access to broadband, according to a study last year by the Federal Communications Commission, which has classified broadband as a type of utility, similar to telephones.

The problem is worse in poorer and rural areas: At least 30 percent of people in Mississippi and Arkansas do not have access to broadband, and sparsely populated states like Montana have similar access rates.

While President Trump's pledge to rebuild the nation's infrastructure has focused largely on roads, bridges and airports, the need to expand the broadband network is just as dire. The United States ranks 19th in broadband connectivity, behind countries such as South Korea and Canada, according to a 2011 study from the Organisation for Economic Co-operation and Development.

The challenge in the United States is that it has vast tracts of sparsely populated regions where the cost of laying new fiber and cable wiring for broadband signifi-

cantly outweighs the profits — 39 percent of Americans living in rural areas lack broadband access, compared with 4 percent of those living in cities, according to the F.C.C.

Under Gov. Andrew M. Cuomo's "Broadband for All" initiative, New York's program is one of the most aggressive broadband expansions in the country, and is designed to help stem any losses a private company incurs through what is known as a reverse auction process.

Using data from the Federal Communications Commission to identify both unserved and underserved areas, the program divides the state into census blocks. The state then auctions off grant money for each census block, awarding the financing to the private company that seeks the lowest state subsidy.

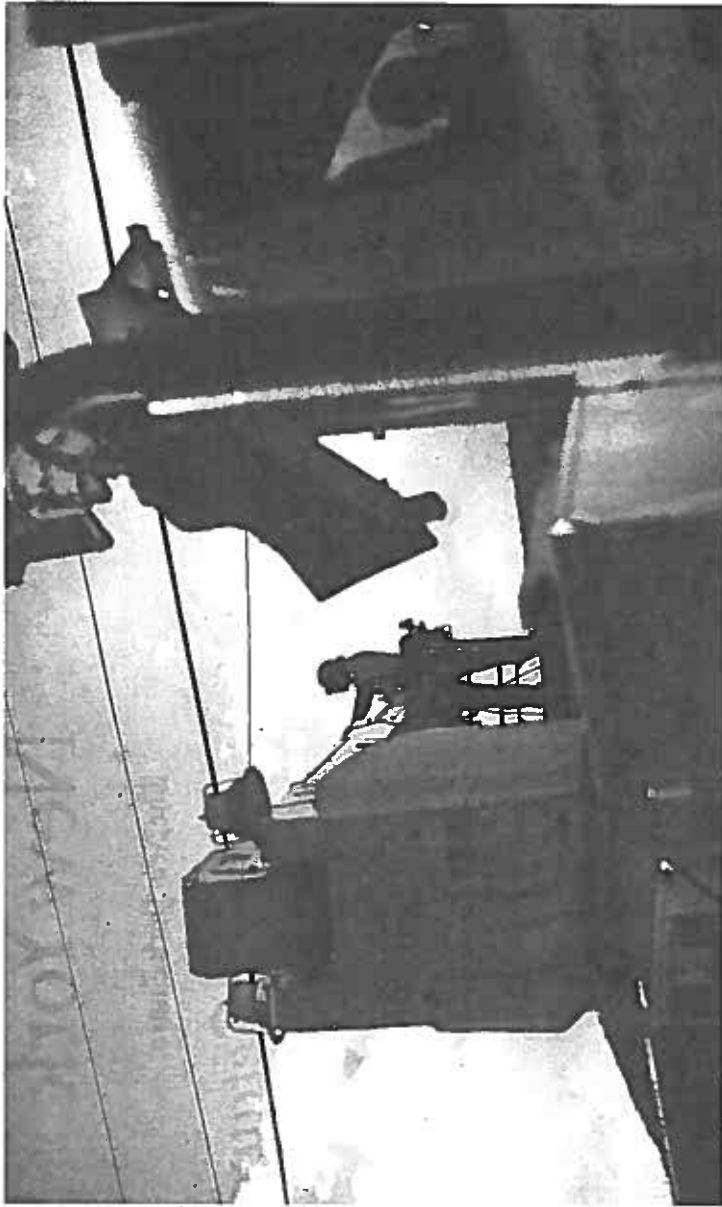
The system has attracted different providers, including major telecommunications companies like Fairpoint and Frontier, as well as smaller utilities like Middleburgh Telephone Company, known as Midtel, and Margaretville Telephone Company.

Along the two-lane roads winding through Delaware County in the Catskills, Midtel trucks are following a path similar to one they took years ago, threading fiber optic cables for broadband across the valley.

"All the served, underserved and unserved areas don't end up in a nice row," said Jim Becker, the president of the company, which has existed for more than a century and is still overseen by his 94-year-old grandmother, Marge Becker. "Sometimes you have to build through somewhat of a served area to get to an unserved, and vice versa."

Turning on broadband can transform lives in rural places. Here in Halcott, a hamlet in the Catskills, the broadband has allowed Mr. DiBenedetto to broaden his business online — a yogurt company in Brooklyn recently contacted him about a single source contract. His daughter, Elena, was able to help out on the farm while getting a master's degree online.

"In today's technology-driven



PHOTOGRAPHS BY NATHANIEL BROOKS FOR THE NEW YORK TIMES  
A worker strung cable in upstate New York. Chris DiBenedetto, left, a dairy farmer, said broadband had helped his business.

band infrastructure is an essential step toward bridging the digital divide, simply ensuring access does not address the issue of affordability, especially since the F.C.C. is considering slashing parts of a federal program, known as Lifeline, that is meant to help provide affordable broadband to low-income residents.

Under New York's program, providers must offer 100 mbps speed — fast enough to download a movie in high definition in 90 seconds — for \$60 a month. "That's pretty amazing," said Gigi Sohn, a former senior adviser at the F.C.C., acknowledging that it was a reasonable price given that prices elsewhere could be much higher. "But if you're really poor, can you afford it? I don't know. If you are a poor rural person living in Appalachia, that's a big bite out of your budget."

But many rural businesses in New York have jumped at the chance for faster internet.

About an hour from Halcott lies the Beaverkill Valley Inn, a historic hotel sitting on the banks of

the Beaver Kill river, a world-famous fly-fishing spot in Lew Beach, N.Y. There's no cellphone service, so for years the inn and its guests shared a satellite internet connection.

"We were competing with our guests' need and our own need to do business," said Kathy Bryant, one of the inn's managers. She noted that despite a sprawling property well suited for corporate retreats and meetings, the inn was unable to attract such business because of its limited internet.

After years of pleading with local officials and telecommunications providers for a broadband connection, the inn was connected to high-speed internet by the Margaretville Telephone Company last August. Today, flush with retreats, weddings and guests spending an extra day or so "working from home," the inn just had the most successful year in its 120-year history.

"Now, we just reassure them that they can still unplug while they're up here," Ms. Bryant said with a laugh.